

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01433-TJK**

HARDWAY et al v. CENTRAL INTELLIGENCE AGENCY
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 07/19/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

DAN HARDWAY

represented by **Dan L. Hardway**
DAN HARDWAY LAW OFFICE PLLC
P.O. Box 625
Cowen, WV 26206
(304) 449-4722
Fax: (919) 341-2331
Email: dan@hardwaylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James H. Lesar
LAW OFFICE OF JAMES H. LESAR
930 Wayne Avenue
Suite 1111
Silver Spring, MD 20910
(301) 328-5920
Email: jhlesar@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

EDWIN LOPEZ

represented by **Dan L. Hardway**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James H. Lesar
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

G. ROBERT BLAKEY

represented by **Dan L. Hardway**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James H. Lesar
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Johnny Hillary Walker , III**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW

Washington, DC 20530
 (202) 252-2575
 Fax: (202) 252-2599
 Email: johnny.walker@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/19/2017	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 400 receipt number 0090-5037824) filed by Dan Hardway, G. Robert Blakey, EDWIN LOPEZ. (Attachments: # <u>1</u> Exhibit Complaint Exhibit 1, # <u>2</u> Exhibit Complaint Exhibit 2, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons Attorney General, # <u>5</u> Summons US Attorney, # <u>6</u> Summons CIA)(Hardway, Dan) (Entered: 07/19/2017)
07/19/2017		Case Assigned to Judge Tanya S. Chutkan. (sth) (Entered: 07/21/2017)
07/21/2017	<u>2</u>	ERRATA <i>Correcting Caption Page</i> by G. Robert Blakey, Dan Hardway, EDWIN LOPEZ. (Hardway, Dan) (Entered: 07/21/2017)
07/21/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Attachment 3 replaced to include signature on 7/24/2017) (zsb). (Entered: 07/21/2017)
08/02/2017	<u>4</u>	NOTICE of Appearance by Johnny Hillary Walker, III on behalf of CENTRAL INTELLIGENCE AGENCY (Walker, Johnny) (Entered: 08/02/2017)
08/23/2017	<u>5</u>	CERTIFICATE OF SERVICE by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ <i>for Summonses and Complaint</i> . (Attachments: # <u>1</u> Exhibit CIA Service, # <u>2</u> Exhibit US Attorney Service)(Hardway, Dan) (Entered: 08/23/2017)
08/23/2017	<u>6</u>	ERRATA by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ <u>5</u> Certificate of Service filed by DAN HARDWAY, EDWIN LOPEZ, G. ROBERT BLAKEY. (Attachments: # <u>1</u> Exhibit Omitted Certificate of Service Exhibit C)(Hardway, Dan) (Entered: 08/23/2017)
08/24/2017		NOTICE OF ERROR re <u>5</u> Certificate of Service; emailed to dan@hardwaylaw.com, cc'd 2 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Refile using correct events on the Service of Process menu (Summons Returned Executed as to US Attorney, US Attorney General, federal defendant). (znmw,) (Entered: 08/24/2017)
08/24/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 7/31/2017 (Attachments: # <u>1</u> Exhibit)(Hardway, Dan) (Entered: 08/24/2017)
08/24/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/31/2017. (Attachments: # <u>1</u> Exhibit)(Hardway, Dan) (Entered: 08/24/2017)
08/24/2017	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/31/2017. Answer due for ALL FEDERAL DEFENDANTS by 8/30/2017. (Attachments: # <u>1</u> Exhibit)(Hardway, Dan) (Entered: 08/24/2017)
08/30/2017	<u>10</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY.(Walker, Johnny) (Entered: 08/30/2017)
08/31/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiffs' FOIA request, the anticipated number of documents responsive to Plaintiffs' FOIA request, the anticipated date(s) for release of the documents requested by Plaintiffs, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and

		when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 9/21/17. Signed by Judge Tanya S. Chutkan on 8/31/17. (DJS) (Entered: 08/31/2017)
09/04/2017		Set/Reset Deadlines: The parties shall file a joint status report that contains a proposed schedule and proposed order by 9/21/17. (jth) (Entered: 09/04/2017)
09/04/2017	<u>11</u>	NOTICE of Appearance by James H. Lesar on behalf of G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ (Lesar, James) (Entered: 09/04/2017)
09/18/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge Tanya S. Chutkan is no longer assigned to the case. (ztnr) (Entered: 09/18/2017)
09/21/2017	<u>12</u>	Joint PROPOSED BRIEFING SCHEDULE by CENTRAL INTELLIGENCE AGENCY. (Walker, Johnny) Modified event title on 9/22/2017 (znmw). (Entered: 09/21/2017)
09/28/2017		MINUTE ORDER: In light of the <u>12</u> Joint Proposed Schedule filed by the parties and the representations therein, it is hereby ORDERED that the parties shall file a proposed new schedule for proceeding in this matter on or before October 23, 2017. The schedule shall address the status of Plaintiffs' FOIA request, the anticipated number of documents responsive to Plaintiffs' FOIA request, the anticipated date(s) for release of the documents requested by Plaintiffs, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order. Signed by Judge Timothy J. Kelly on 9/28/2017. (ad) (Entered: 09/28/2017)
09/28/2017		Set/Reset Deadline: The parties shall file a proposed new schedule for proceeding in this matter on or before 10/23/2017. (ad) (Entered: 09/28/2017)
10/23/2017	<u>13</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 10/23/2017)
10/30/2017		MINUTE ORDER: In light of the <u>13</u> Joint Status Report filed by the parties and the representations therein, it is hereby ORDERED that the parties shall file another joint status report by November 20, 2017. Signed by Judge Timothy J. Kelly on 10/30/2017. (lctjk3) (Entered: 10/30/2017)
10/30/2017		Set/Reset Deadlines: Status Report due by 11/20/2017. (tj) (Entered: 10/30/2017)
11/18/2017	<u>14</u>	Joint STATUS REPORT and Proposed Briefing Schedule by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 11/18/2017)
11/20/2017		MINUTE ORDER granting <u>14</u> Joint Proposed Briefing Schedule. Defendant shall file its Motion for Summary Judgment by January 22, 2018. Plaintiffs shall file their Opposition to Defendant's Motion for Summary Judgment and any Cross-Motion for Summary Judgment by March 1, 2018. Defendant shall file its Reply in support of its Motion for Summary Judgment and Opposition to any Cross-Motion for Summary Judgment by March 22, 2018. Plaintiffs shall file their Reply in support of any Cross-Motion for Summary Judgment by April 12, 2018. Signed by Judge Timothy J. Kelly on 11/20/2017. (lctjk3) (Entered: 11/20/2017)
01/22/2018	<u>15</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Antoinette Shiner (with exhibit), # <u>4</u> Text of Proposed Order)(Walker, Johnny) (Entered: 01/22/2018)
03/01/2018	<u>16</u>	RESPONSE re <u>15</u> MOTION for Summary Judgment and Cross Motion for Summary Judgment filed by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ. (Attachments: # <u>1</u> Statement of Facts Response to Def Statement of Facts, # <u>2</u> Memorandum in Support Memorandum, # <u>3</u> Declaration Declaration of G. Robert Blakey, # <u>4</u> Declaration Declaration of Edwin Lopez, # <u>5</u> Declaration Declaration of Dan Hardway, # <u>6</u> Text of Proposed Order)(Hardway, Dan) (Entered: 03/01/2018)

03/01/2018	<u>17</u>	Cross MOTION for Summary Judgment by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ (Attachments: # <u>1</u> Statement of Facts Plaintiffs' Statement of Facts, # <u>2</u> Memorandum in Support Memorandum, # <u>3</u> Declaration Declaration of G. Robert Blakey, # <u>4</u> Declaration Declaration of Edwin Lopez, # <u>5</u> Declaration Declaration of Dan Hardway, # <u>6</u> Text of Proposed Order)(Hardway, Dan) (Entered: 03/01/2018)
03/22/2018	<u>18</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>15</u> MOTION for Summary Judgment , <u>17</u> Cross MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 03/22/2018)
03/22/2018		MINUTE ORDER granting Defendant's <u>18</u> Consent Motion for an Extension. It is hereby ORDERED that Defendant shall file its Opposition to Plaintiffs' Cross-Motion for Summary Judgment and Reply in support of its Motion for Summary Judgment by March 23, 2018. It is further ORDERED that Plaintiffs shall file their Reply in support of their Cross-Motion for Summary Judgment by April 13, 2018. Signed by Judge Timothy J. Kelly on 3/22/2018. (lctjk3) (Entered: 03/22/2018)
03/22/2018		Set/Reset Deadlines: Defendant's Reply in support of its Motion for Summary Judgment due by 3/23/2018. (kh) (Entered: 03/22/2018)
03/23/2018	<u>19</u>	Memorandum in opposition to re <u>17</u> Cross MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Supplemental Declaration of Antoinette Shiner, # <u>2</u> Response to Plaintiffs' Statement of Material Facts as to Which There Is No Genuine Issue)(Walker, Johnny) (Entered: 03/23/2018)
03/23/2018	<u>20</u>	REPLY to opposition to motion re <u>15</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Supplemental Declaration of Antoinette Shiner)(Walker, Johnny) (Entered: 03/23/2018)
04/13/2018	<u>21</u>	REPLY to opposition to motion re <u>17</u> Cross MOTION for Summary Judgment filed by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ. (Attachments: # <u>1</u> Declaration Supplemental Hardway)(Hardway, Dan) (Entered: 04/13/2018)
03/31/2019	<u>22</u>	ORDER granting in part and denying without prejudice in part Defendant's <u>15</u> Motion for Summary Judgment and denying without prejudice Plaintiffs' <u>17</u> Cross-Motion for Summary Judgment. Memorandum opinion and order to follow within 30 days. See Order for details. Signed by Judge Timothy J. Kelly on 3/31/2019. (lctjk3) (Entered: 03/31/2019)
04/28/2019	<u>23</u>	MEMORANDUM OPINION AND ORDER granting in part and denying without prejudice in part Defendant's <u>15</u> Motion for Summary Judgment and denying without prejudice Plaintiffs' <u>17</u> Cross-Motion for Summary Judgment. Proposed briefing schedule due by May 24, 2019. Signed by Judge Timothy J. Kelly on 4/28/2019. (lctjk3) (Entered: 04/28/2019)
05/24/2019	<u>24</u>	PROPOSED BRIEFING SCHEDULE (<i>Joint</i>) by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Walker, Johnny) (Entered: 05/24/2019)
05/28/2019		MINUTE ORDER: In light of the parties' <u>24</u> Proposed Briefing Schedule, it is hereby ORDERED that Defendant shall file its renewed motion for summary judgment by June 21, 2019; Plaintiffs shall file their renewed cross-motion for summary judgment and response to Defendant's motion by August 2, 2019; Defendant shall file its reply in support of its motion and its response to Plaintiffs' cross-motion by August 23, 2019; and Plaintiffs shall file their reply in support of their cross-motion by September 16, 2019. Signed by Judge Timothy J. Kelly on 5/28/2019. (lctjk3) (Entered: 05/28/2019)
06/21/2019	<u>25</u>	Second MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> 2d Suppl Shiner Decl., # <u>4</u> Text of Proposed Order)(Walker, Johnny) (Entered: 06/21/2019)
08/02/2019	<u>26</u>	RESPONSE re <u>25</u> Second MOTION for Summary Judgment filed by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts Response to Defendant Statement, # <u>3</u> Statement of Facts, # <u>4</u> Text of Proposed Order)(Hardway, Dan) (Entered: 08/02/2019)

08/02/2019	<u>27</u>	Cross MOTION for Summary Judgment by G. ROBERT BLAKEY, DAN HARDWAY, EDWIN LOPEZ (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Statement of Facts Response to Defendant's, # <u>4</u> Text of Proposed Order)(Hardway, Dan) (Entered: 08/02/2019)
------------	-----------	--